

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

1. COMPLAINT NO: CC006000000058070
Chaudhary B. Gupta and Nirmala Gupta
2. COMPLAINT NO: CC006000000079075
Sheela B. Tiwari
3. COMPLAINT NO: CC006000000089707
Anandkumar Machindranath Borhade and Renuka Anandkumar Borhade
4. COMPLAINT NO: CC006000000090126
Gayatri Mahapatro
5. COMPLAINT NO: CC006000000090096
Mr. Ghevarchand Madaji Ghansi
6. COMPLAINT NO: CC006000000090100
Mr. Naran Bhanushali
7. COMPLAINT NO: CC006000000090105
Mrs. Harbai Naran Bhanushali
8. COMPLAINT NO: CC006000000090103
Mrs. Lilavati Dayalbhai Bhanushali
9. COMPLAINT NO: CC006000000100444
Vinaya G. Padwal
10. COMPLAINT NO: CC006000000100473
Manisha Ganyansing Padwal
11. COMPLAINT NO: CC006000000100475
Dallusingh Fakira Chopaday
12. COMPLAINT NO: CC006000000054848
Vijay Baban Kanse

...

Complainants

Versus



1. M/s. Ankita Builders & Developers
2. Ashok Rajaram Gupta, Promoter
MahaRERA Regn. No. P51800010062

... Respondents

Coram: Shri. Gautam Chatterjee, Hon'ble Chairperson, MahaRERA.

Complainants (1) were represented by Mr. S. G. Gokhale, Adv.
Complainant (2) was represented by advocates of M/s. Tripathi & Associates.
Complainants (5) – (8) were represented by Mr. Shubham Phanse, Adv. (i/b Randive and Kadam Associates).
Complainants (10) and (11) were represented by Ms. Vinaya Padmal, Adv.
Complainant (12) was represented by Mr. Mukesh Naynak, Adv.
Complainants (3), (4), (9) were themselves present.

Respondent was represented by Mr. Sandeep Kare, Adv. and Mr. Vijay Gore, Authorised representative.


Order

October 17, 2019

1. The Complainants have booked apartments in the Respondents' project 'Ganeshwadi CHS LTD. - S. R. A. 'situated at Ghatkopar, Mumbai via allotment letters in 2014. The Complainants stated that they have paid some amount of the consideration price but the Respondent has failed to execute and register the agreements for sale and hand over possession of the apartments by 2017 as promised in 2013. Some of the complainants requested the refund of the amount paid to the Respondents towards consideration amount. Further, they alleged that the Respondents are in the process of transferring his right to construct the said project to another developer. Therefore, they prayed that the Respondents be directed to execute and register the agreements for sale, to hand over possession of the apartments at the earliest, and pay them interest for the delay under Section 18 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the said Act). Further, they prayed that the respondents be restrained by an order of injunction for creating third party interest and handing over the project to another developer as per section 15 of the said Act.



2. The Respondents were represented through their Advocate. the Learned counsel of the respondents submitted that the project registered with MahaRERA is a redevelopment project under SRA and that SRA has removed the promoters from the said project in the year 2017 and the proceedings are pending with SRA Grievance Committee.
3. The Complainants submitted that in previous Complaints CC006000000078262 & Ors. filed against the said project, MahaRERA by its order dated May 22nd, 2019 has held that the Complainants right as allottees in the said MahaRERA registered shall continue even after such change of promoter and the status of the Complainants as allottees post such transfer shall remain unaltered as per the provisions of section 15 of the Real Estate (Regulation and Development) Act, 2016 and that similar Orders be passed in the present Complaints also.
4. In view of the above facts and in view of the provisions of section 15 of the said Act, it is hereby ordered that the Complainants' right as allottees in the said MahaRERA registered project shall continue even after such change of promoters and the status of the Complaints, as allottees, post such transfer shall remain unaltered.
5. The Respondents are hereby restrained from creating any new allottee in the project, till further orders. The Respondents are further directed that he should give the details of current litigations pending before SRA or any other Authority to the complainants and to upload on the public domain of MahaRERA to enable them to intervene before concerned Authority.
6. Consequently, the matters are hereby disposed of with the above directions.


(Gautam Chatterjee)
Chairperson, MahaRERA